

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re:	)	
	)	
JASON M. MILTENBERGER	)	Case No: 14-45118
	)	Chapter 7
Debtor	)	
	)	Adversary No: 14-04262

MOTION TO RESCHEDULE TRIAL AND  
AMEND TRIAL SCHEDULING ORDER

Defendant moves the Court to reset the trial of this case, now scheduled December 17, 2014, and to amend its Trial Scheduling Order accordingly, for at least 60 days from December 17, 2014 on the grounds that there is not sufficient time for Defendant's pending Motion to Dismiss and Motion to Strike to be heard, for Defendant to then file responsive pleadings, and to complete discovery in anticipation for trial, to-wit:

1. Summons was served October 1, 2014, giving Defendant until October 31, 2014 within which to file responsive pleadings and setting a deadline of November 12, 2014, less than two weeks later, to complete discovery.
2. Plaintiff has file a 13 page Complaint with 70 pages of exhibits.
3. Within the time allotted, and on October 24, 2014, Defendant has filed a Motion to Dismiss for Failure to State a Claim, and a combined alternative Motion to Strike and to Make More Definite And Certain.
4. Plaintiff must first respond to those Motions and the Court must first rule on those Motions before any other responsive pleadings will be required from Defendant.
5. Numerous issues are raised in Defendant's Motions which will require extensive

discovery, probably witness depositions, and the service of and response to discovery by Defendant upon Plaintiff, none of which can be reasonably expected to be completed by December 12, 2014, when the parties' pre-trial compliance is now due.

6. Defendant's counsel had already been scheduled to be out of town or out of the office from November 20, 2014 through December 8, 2014 except for one two days when he is already scheduled in trial in other matters, thereby preventing Defendant from being prepared for trial or the ability to comply with the pretrial order by December 12, 2014.

7. Defendant's counsel anticipates that barring amended pleadings by Plaintiff this case can be ready for trial approximately 60 days after the current date of December 17, 2014.

LAW OFFICES OF  
LEONARD KOMEN, P.C.



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#### CERTIFICATE OF SERVICE

Signature above certifies that a true copy hereof was served by First Class United States Mail, postage prepaid, or by facsimile transmission or email service where a facsimile number or email address are shown, on October 24, 2014 on Mark. A. Ludolph, Heyl, Royster, Voelker & Allen, 124 W. Adams Street, Ste. 600, Peoria, IL 61602; Fax: (309) 676-3374 email: [mludolph@heyldroyster.com](mailto:mludolph@heyldroyster.com)